

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: )  
Cherry R. Benedict, )  
Debtor ) Case No. 22-70016-JAD  
Chapter 13

Doc. # 33

FILED  
12/4/23 11:32 am  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

STIPULATED ORDER MODIFYING PLAN

WHEREAS, this matter is being presented to the Court regarding

*[ONLY PROVISIONS CHECKED BELOW SHALL APPLY]:*

- ☐ a motion to dismiss case or certificate of default requesting dismissal
- ☐ a plan modification sought by: \_\_\_\_\_
- ☐ a motion to lift stay  
as to creditor \_\_\_\_\_
- ☒ Other: Reduce Plan Payment – Payment of Escrow Shortage

WHEREAS, the parties having agreed to settle the matter above conditioned on the terms herein, based on the records of the Court, and the Court being otherwise sufficiently advised in the premises; and there being no adverse impact upon other parties by way of this action, thus no notice is required to be given; now therefore

IT IS HEREBY ORDERED that the

*[ONLY PROVISIONS CHECKED BELOW SHALL APPLY]*

- ☒ Chapter 13 Plan dated February 1, 2022
- ☐ Amended Chapter 13 Plan dated \_\_\_\_\_

is modified as follows:

*[ONLY PROVISIONS CHECKED BELOW SHALL APPLY]*

- ☒ Debtor's Plan payments shall be changed from \$ 1,017.00 to \$997.00, effective January 2024; and/or the Plan term shall remain at 60 months per Order of Court Confirming Plan on Final Basis dated July 29, 2022. The Debtor previously filed a Stipulated Order, approved November 15, 2023, to increase the payment due to the Notice of Mortgage Payment Change filed October 27, 2023. However, on November 21, 2023, the Debtor paid the mortgage company directly for the escrow shortage; therefore, no modification of payment is now needed.


- ☐ In the event that Debtor(s) fail(s) to make any future Chapter 13 Plan payments, the Trustee or a party in interest may file with the Court and serve upon Debtor(s) and Debtor(s)' Counsel a notice of default advising the Debtor(s) that they have 30 days from the service of the notice in which to cure any and all defaults in payments. If Debtor(s) fail(s) to cure the defaults in payments after having been provided notice under the provision of this Stipulated Order, then the Trustee or a party in interest may submit an Order of Dismissal to the Bankruptcy Court along with an affidavit attesting to a failure to make Plan payments, and the proceedings or case may thereafter be dismissed without prejudice and without further hearing or notice.
- ☐ Debtor(s) shall file and serve \_\_\_\_\_ on or before \_\_\_\_\_.
- ☐ If any of the foregoing is not completed by the date specified, the case may be dismissed without prejudice without further notice or hearing upon the filing by the Trustee of an Affidavit of Non-Compliance.
- ☐ If any of the foregoing is not completed by the date specified, the automatic stay as to the property described as \_\_\_\_\_ may be lifted without further notice or hearing upon the filing by the Creditor herein of an Affidavit of Non-Compliance.
- ☒ Other: In addition, the previously entered ORDER CONFIRMING PLAN ON FINAL BASIS at Doc No. 27 is incorporated herein.

**IT IS FURTHER ORDERED** that to the extent any creditor opposes the relief contained herein, such creditor must file an objection to the same within fourteen (14) days hereof. Should such an objection be timely filed, the Court shall conduct a *de novo* hearing regarding the appropriateness of this Stipulated Order. Should no objection be timely filed, this Stipulated Order shall be deemed final without further notice and/or opportunity for a hearing.

**IT IS FURTHER ORDERED** that in all other respects, the Plan and Order Confirming Plan shall remain in full force and effect. The filing party represents to the Court that all affected parties have been notified.

*[Remainder of Page Intentionally Left Blank]*

SO ORDERED, this 4th day of December, 2023

  
\_\_\_\_\_  
jsf  
Jeffery A. Deller  
United States Bankruptcy Judge

Stipulated by:

/s/ Kenneth P. Seitz, Esquire  
Counsel to Debtor

Stipulated by:

/s/ James C. Warmbrodt, Esquire  
Counsel to Chapter 13 Trustee

Stipulated by:

12/4/2023  
Counsel to affected creditor

cc: All Parties in Interest to be served by Clerk

In re:  
Cherry R. Benedict  
Debtor

Case No. 22-70016-JAD  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-7  
Date Rcvd: Dec 04, 2023

User: auto  
Form ID: pdf900

Page 1 of 3  
Total Noticed: 34

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.

### Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 06, 2023:

Recip ID	Recipient Name and Address
db	+ Cherry R. Benedict, 850 West Main Street, Somerset, PA 15501-1234
15447443	+ Acro Services, 39209 W. Six Mile Road, Suite 250, Livonia, MI 48152-2681
15447447	+ Capital Compliance Solutions, 4636 Lebanon Pike #348, Hermitage, TN 37076-1316
15447451	Discover Bank, P.O. Box 742655, Cincinnati, OH 45274-2655

TOTAL: 4

### Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: rmscedi@recoverycorp.com	Dec 05 2023 00:14:29	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15447444	+ Email/Text: ally@ebn.phinsolutions.com	Dec 05 2023 00:01:00	Ally, P.O. Box 380902, Minneapolis, MN 55438-0902
15447445	Email/Text: creditcardbkcorrespondence@bofa.com	Dec 05 2023 00:01:00	Bank of America, P.O. Box 15019, Wilmington, DE 19886
15454589	Email/Text: creditcardbkcorrespondence@bofa.com	Dec 05 2023 00:01:00	Bank of America, N.A., PO Box 673033, Dallas, TX 75267-3033
15447446	+ Email/Text: BarclaysBankDelaware@tsico.com	Dec 05 2023 00:01:00	Barclay Bank Delaware, 125 S West Street, Wilmington, DE 19801-5014
15447448	Email/PDF: AIS.cocard.ebn@aisinfo.com	Dec 05 2023 00:13:43	Capital One, P.O. Box 71083, Charlotte, NC 28272-1083
15457160	Email/PDF: AIS.cocard.ebn@aisinfo.com	Dec 05 2023 00:14:26	Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15447449	Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Dec 05 2023 00:01:00	Comenity Bank, P.O. Box 182273, Columbus, OH 43218-2273
15447450	+ Email/PDF: creditonebknotifications@resurgent.com	Dec 05 2023 00:14:27	Credit One Bank, P.O. Box 98872, Las Vegas, NV 89193-8872
15449081	Email/Text: mrdiscen@discover.com	Dec 05 2023 00:01:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
15448048	+ Email/Text: dplbk@discover.com	Dec 05 2023 00:02:00	Discover Personal Loans, PO Box 30954, Salt Lake City, UT 84130-0954
15451327	Email/Text: collecadminbankruptcy@fnni.com	Dec 05 2023 00:01:00	First National Bank Omaha, 1620 Dodge St Stop Code 3129, Omaha, NE, 68197
15447452	Email/Text: collecadminbankruptcy@fnni.com	Dec 05 2023 00:01:00	First National Bank of Omaha, P.O. Box 3696, Omaha, NE 68103
15447454	+ Email/Text: BNCNOTICES@noexternalmail.hsbc.com	Dec 05 2023 00:01:00	HSBC Bank, P.O. Box 98706, Las Vegas, NV 89193-8706

District/off: 0315-7

User: auto

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Date Rcvd: Dec 04, 2023

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15464987	^	MEBN	Dec 04 2023 23:56:18	HSBC Bank USA, N.A., 2929 Walden Ave C9, Attn: Business Services, Depew, NY 14043-2690
15447453	^	MEBN	Dec 04 2023 23:55:11	Hayt, Hayt & Landau, LLC, Two Industrial Way West, Eatontown, NJ 07724-2279
15460418		Email/PDF: resurgentbknotifications@resurgent.com	Dec 05 2023 00:13:33	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15460044		Email/PDF: MerrickBKNotifications@Resurgent.com	Dec 05 2023 00:13:35	MERRICK BANK, Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
15447455	+	Email/PDF: MerrickBKNotifications@Resurgent.com	Dec 05 2023 00:14:24	Merrick Bank, P.O. Box 30537, Tampa, FL 33630-3537
15459162	+	Email/Text: bankruptcydpt@mcmcg.com	Dec 05 2023 00:01:00	Midland Credit Management, Inc., PO Box 2037, Warren, MI 48090-2037
15447456	+	Email/PDF: cbp@omf.com	Dec 05 2023 00:14:29	OneMain Financial, 261 Plank Road, Somerset, PA 15501-2324
15458707	+	Email/PDF: cbp@omf.com	Dec 05 2023 00:14:01	OneMain Financial, PO Box 3251, Evansville, IN 47731-3251
15469175		Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Dec 05 2023 00:13:25	Portfolio Recovery Associates, LLC, POB 12914, Norfolk, VA 23541
15466055		Email/Text: bnc-quantum@quantum3group.com	Dec 05 2023 00:01:00	Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
15447457	+	Email/Text: bankruptcyteam@quickenloans.com	Dec 05 2023 00:02:00	Rocket Mortgage, 1050 Woodward Avenue, Detroit, MI 48226-3573
15455226	+	Email/Text: bankruptcyteam@quickenloans.com	Dec 05 2023 00:02:00	Rocket Mortgage, LLC fka Quicken Loans, at. el, 635 Woodward Avenue, Detroit MI 48226-3408
15447458	+	Email/PDF: ais.sync.ebn@aisinfo.com	Dec 05 2023 00:14:09	SYNCB/PALEXTRASMC, P.O. Box 695005, Orlando, FL 32896-0001
15447981	+	Email/PDF: ais.sync.ebn@aisinfo.com	Dec 05 2023 00:14:02	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15447459		Email/PDF: ais.sync.ebn@aisinfo.com	Dec 05 2023 00:14:17	Synchrony Bank/Sam's Club, P.O. Box 530942, Atlanta, GA 30353-0942
15469934		Email/PDF: OGCRegionIIIBankruptcy@hud.gov	Dec 05 2023 00:13:22	U.S. Department of Housing and Urban Development, The Wanamaker Building, 11th Floor, 100 Penn Square East, Philadelphia, PA 19107

TOTAL: 30

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Rocket Mortgage, LLC f/k/a Quicken Loans, LLC

TOTAL: 1 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the

District/off: 0315-7

User: auto

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**complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 06, 2023

Signature: /s/Gustava Winters

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## CM/ECF NOTICE OF ELECTRONIC FILING

**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 4, 2023 at the address(es) listed below:**

**Name****Email Address**

Brian Nicholas

on behalf of Creditor Rocket Mortgage LLC f/k/a Quicken Loans, LLC bnicholas@kmlawgroup.com

Kenneth P. Seitz

on behalf of Debtor Cherry R. Benedict thedebterasers@aol.com

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteewdpa.com

TOTAL: 4